

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MONTANA  
GREAT FALLS DIVISION**

UNITED STATES OF AMERICA,

Plaintiff,

vs.

TYRELL HENDERSON,

Defendant.

CR 11-56-GF-BMM-JTJ

**FINDINGS AND  
RECOMMENDATIONS**

**I. Synopsis**

Defendant Tyrell Henderson (Henderson) has been accused of violating the conditions of his supervised release. Henderson admitted alleged violations 1 and 2. Henderson denied alleged violations 3, 4 and 5. The Court dismissed alleged violations 3, 4 and 5 on the government's motion. Henderson's supervised release should be revoked. Henderson should be placed in custody for 12 months, with no supervised release to follow. Henderson should serve his term of custody at FCI Sheridan in Sheridan, Oregon.

**II. Status**

Henderson was found guilty of Assault on a Federal Officer on September 28, 2011, following a jury trial. (Doc. 32). The Court sentenced Henderson to

22 months of custody, followed by 2 years of supervised release. (Doc. 48). Henderson's current term of supervised release began on November 15, 2022. (Doc. 113 at 2).

### **Petition**

The United States Probation Office filed an Amended Petition on March 27, 2023, requesting that the Court revoke Henderson's supervised release. (Doc. 113). The Amended Petition alleges that Henderson violated the conditions of his supervised release: 1) by failing to complete his term at Connections Corrections; 2) by failing to notify his probation officer of a change in residence; 3) by failing to answer truthfully questions asked by his probation officer; 4) by failing to notify his probation officer of a change in employment; and 5) by using buprenorphine. (Doc. 113 at 3).

### **Initial appearance**

Henderson appeared before United States Magistrate Judge Timothy J. Cavan for his initial appearance on March 17, 2023. Henderson was represented by counsel. Henderson stated that he had read the petition and that he understood the allegations. Henderson waived his right to a preliminary hearing. The parties consented to proceed with the revocation hearing before the undersigned.

### **Revocation hearing**

The Court conducted a joint revocation hearing in this case and in Cause CR 16-10-GF-BMM on March 28, 2023. Henderson admitted that he had violated the conditions of his supervised release: 1) by failing to complete his term at Connections Corrections; and 2) by failing to notify his probation officer of a change in residence. Henderson denied alleged violations 3, 4 and 5. The Court dismissed alleged violations 3, 4 and 5 on the government's motion. The violations that Henderson admitted are serious and warrant revocation of Henderson's supervised release.

Henderson's violations are Grade C violations. Henderson's criminal history category is II. Henderson's underlying offense is a Class C felony. Henderson could be incarcerated for up to 24 months. Henderson could be ordered to remain on supervised release for up to 12 months, less any custody time imposed. The United States Sentencing Guidelines call for a term of custody of 4 to 10 months.

### **III. Analysis**

Henderson's supervised release should be revoked. Henderson should be incarcerated for 12 months, with no supervised release to follow. This sentence is sufficient but not greater than necessary. Henderson should serve his term of

custody at FCI Sheridan in Sheridan, Oregon.

#### **IV. Conclusion**

The Court informed Henderson that the above sentence would be recommended to Chief United States District Judge Brian Morris. The Court also informed Henderson of his right to object to these Findings and Recommendations within 14 days of their issuance. The Court explained to Henderson that Judge Morris would consider a timely objection before making a final determination on whether to revoke his supervised release and what, if any, sanction to impose. Henderson stated that he wished to waive his right to object to these Findings and Recommendations, and that he wished to waive his right to allocute before Judge Morris.

#### **The Court FINDS:**

That Tyrell Henderson violated the conditions of his supervised release: by failing to complete his term at Connections Corrections; and by failing to notify his probation officer of a change in residence.

#### **The Court RECOMMENDS:**

That the District Court should revoke Henderson's supervised release and commit Henderson to the custody of the United States Bureau of Prisons for 12 months, with no supervised release to follow. The sentence imposed in this case should run concurrent with the sentence imposed in Cause CR 16-10-GF-BMM. Henderson should serve his term of custody at FCI Sheridan in Sheridan, Oregon.

**NOTICE OF RIGHT TO OBJECT TO FINDINGS AND  
RECOMMENDATIONS AND CONSEQUENCES OF FAILURE TO OBJECT**

The parties may serve and file written objections to the Findings and Recommendations within 14 days of their entry, as indicated on the Notice of Electronic Filing. 28 U.S.C. § 636(b)(1). A district judge will make a de novo determination regarding any portion of the Findings and Recommendations to which objection is made. The district judge may accept, reject, or modify, in whole or in part, the Findings and Recommendations. Failure to timely file written objections may bar a de novo determination by the district judge, and may waive the right to appear and allocute before a district judge.

DATED this 29th day of March, 2023.



John Johnston  
United States Magistrate Judge